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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COMMITTEE ON JOBS CANDIDATE  
ADVOCACY FUND, et al.,

Plaintiffs,

vs.

DENNIS J. HERRERA, in his official  
capacity as City Attorney of the City and  
County of San Francisco, et al.

Defendants.

Case No. C07-3199 JSW

**JOINT STATUS REPORT;  
[PROPOSED] ORDER**

## **JOINT STATUS REPORT**

Pursuant to the Joint Status Report and the Order filed May 13, 2010 (Dkt. 62), Plaintiffs Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure PAC (collectively, "Plaintiffs"), and Defendants Dennis J. Herrera, Kamala D. Harris, the Ethics Commission of the City and County of San Francisco, and the City and County of San Francisco (collectively, "Defendants"), jointly file this Status Report.

In this case, Plaintiffs contend that Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco Campaign Finance Reform Ordinance ("CFRO"), codified in the San Francisco Campaign and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO, violate the First Amendment to the United States Constitution by imposing limits on contributions to political committees for the purpose of making independent expenditures. The Court granted Plaintiffs' motion for preliminary injunction on September 20, 2007 (Dkt. 37), and that order has remained in effect since then pursuant to a series of stipulated orders. At the parties' request, the Court has stayed the litigation while the Ninth Circuit Court of Appeals considered a case presenting similar issues, *Long Beach Area Chamber of Commerce et al. v. City of Long Beach* ("Long Beach," USCA Dkt. 07-55691). As described in the parties' May 12, 2010 status report (Dkt. 61), the Ninth Circuit issued an opinion in *Long Beach* this April, holding that the contribution limit in that case was unconstitutional as applied to some of the plaintiffs, and that the remaining plaintiff lacked standing to challenge the law. *See* 603 F.3d 684 (9th Cir. 2010).

In light of the Ninth Circuit's decision, counsel for Plaintiffs and Defendants are exploring potential settlement of this matter. The parties had hoped to have concluded settlement discussions by mid-June, but require additional time. The parties continue to believe that settlement discussions could be fruitful, and have agreed that an extension of the current stay until August 20, 2010 will allow them sufficient time to pursue the possibility of settlement.

For that reason, the parties agree that it would be most efficient and would best preserve the interests of judicial economy to continue the current stay. Subject to agreement by this Court, the parties agree that, by August 20, 2010, they will meet and confer to discuss how best to proceed with

1 this case and submit a joint status report or request for a case management conference. The parties  
2 agree that no case management conference is necessary at this time.

3  
4 Dated: June 25, 2010

5 DENNIS J. HERRERA  
6 City Attorney  
7 WAYNE SNODGRASS  
8 JONATHAN GIVNER  
9 TARA M. STEELEY  
10 Deputy City Attorneys

11 By: /s/ Jonathan Givner  
12 JONATHAN GIVNER  
13 Attorneys for Defendants

14 Dated: June 25, 2010

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20 \*By: /s/ Marc H. Axelbaum  
21 MARC H. AXELBAUM  
22 Attorneys for Plaintiffs

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\*Pursuant to GO 45, the electronic signatory has  
obtained approval from this signatory.

**PROPOSED ORDER**

Pursuant to the agreement of the parties set forth in the foregoing Joint Status Report, and good cause appearing, IT IS HEREBY ORDERED that:

1. Unless otherwise ordered by the Court, the Order Granting Plaintiffs' Motion for Preliminary Injunction (Dkt. 37) and the Stipulation and Order Staying Litigation entered by the Court on October 26, 2007 (Dkt. 51) shall remain in effect.

2. By August 20, 2010, the parties shall meet and confer and submit a joint status report or request for a case management conference.

**IT IS SO ORDERED.**

Dated: June 25, 2010

  
Hon. Jeffrey S. White  
United States District Judge